

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, <i>ex rel.</i>)	
State Engineer)	69cv07941-MV/LFG
)	RIO CHAMA STREAM SYSTEM
Plaintiff,)	
)	Section 3, Rio Cebolla
vs.)	
)	Subfile Nos. CHCB-001-0007, CHCB
)	002-0001B, CHCB-002- 0002C, CHCB
)	002-0009
ROMAN ARAGON, <i>et al.</i> ,)	
)	
Defendants.)	
)	

STATE’S MOTION TO LIFT STAY

The State of New Mexico *ex rel.* State Engineer (“State”) hereby respectfully moves the Court to enter an order lifting the stay in this matter. In support of this motion, the State states the following:

1. On February 11, 2010, the Special Master entered an order staying the litigation proceedings in this matter to allow the parties to pursue settlement negotiations (Docket No. 9576).
2. Settlement negotiations continued through a professional mediator during the summer and fall of 2010 but were unsuccessful. Ultimately, the parties were at an impasse and negotiations were suspended.
3. In April 2014, the parties renewed their efforts to resolve this matter through settlement, and again, such efforts were unsuccessful.
4. At this time, it does not appear that settlement is possible, and the matters at issue should be decided by the Court.

5. The State will confer with opposing counsel on a proposed revised scheduling/pretrial order for submission to the Court.

6. The State has conferred with counsel for the Defendants, Charlie and Geralda M. Chacon, and Delfin O. and Frances S. Quintana Trust, regarding this Motion but has not received a response.

Therefore, the State respectfully requests the Court to lift the *Order Granting Motion to Stay Litigation Proceedings* and to enter a revised scheduling order pursuant to Fed.R.Civ.P. 16 and 26, and D.N.M.LR-Civ. 26 and 30. A proposed form of order is attached to this Motion.

Electronically Filed,

/s/ Misty M. Braswell

Misty M. Braswell

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of October, 2014 I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list to be served via electronic mail.

/s/ Misty M. Braswell